

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MONG'S DAIRY, a Division of  
SCHNEIDER'S DAIRY, INC.,  
Plaintiff,

Case No.: 2:20-cv-00482-AJS

v.  
TEAMSTERS LOCAL UNION NO. 205,  
Respondent.

**BRIEF IN SUPPORT OF DEFENDANT'S  
MOTION FOR JUDGMENT ON THE  
PLEADINGS**

Filed on Behalf of:

Teamsters Local Union No. 205

Counsel of Record for this Party:

R. Anthony DeLuca, Esquire  
Pa. I.D. # 80751

DeLuca, Ricciuti & Konieczka  
225 Ross Street, 4th Floor  
Pittsburgh, PA 15219

(412) 281-6869

## TABLE OF CONTENTS

TABLE OF CONTENTS .....	i
TABLE OF AUTHORITIES .....	i
I. HISTORY OF THE CASE .....	1
II. DISCUSSION .....	3
1. Pertinent Statutory Provision .....	3
2. Arbitration Pursuant to a CBA .....	4
3. Bargaining for Arbitration v. Litigation .....	6
4. The Essence Test .....	7
5. Analysis of Plaintiff's Claims .....	9
III. CONCLUSION .....	14

## TABLE OF AUTHORITIES

### I. CASES:

<u>Akers Nat'l Roll Co. v. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Int'l Union</u> , 712 F.3d 155 (3d Cir.2013) .....	6-7, 11, 14
<u>Brentwood Medical Associates v. United Medical Workers</u> , 396 F.3d 237 (3d Cir.2005) .....	4, 6-12, 14
<u>CITGO Asphalt Refining Co. v. Paper, Allied-Industrial, Chemical, and Energy Workers International Union Local No. 2-991</u> , 385 F.3d 809 (3d Cir.2004) .....	5
<u>Exxon Shipping Co. v. Exxon Seaman's Union</u> , 73 F.3d 1287 (3d Cir.), cert. denied sub nom. <u>SeaRiver Maritime v. Exxon Seaman's Union</u> , 517 U.S. 1251 (1996) .....	6, 8-9, 13
<u>Gay v. CreditInform</u> , 511 F.3d 368 (3d Cir.2007) .....	4, 6
<u>Government of the Virgin Islands v. United Industrial Workers, N.A.</u> , 169 F.3d 172 (3d Cir.1999) .....	4

<u>Hamilton Park Health Care Center, Ltd v. 1199 SEIU United Healthcare Workers East</u> , 817 F.3d 857 (3d Cir.2016) . . . . .	13
<u>Lamps Plus, Inc. v. Varela</u> , --- U.S. ---, 139 S.Ct. 1407 (2019) . . . . .	4
<u>Monongahela Valley Hospital, Inc. v. United Steel Paper Forestry Rubber Manufacturing Allied Industrial &amp; Service Workers Int’l Union AFL-CIO CLC</u> , 946 F.3d 195 (3d Cir.2019) . . . . .	8, 11
<u>MV Transportation, Inc. and Amalgamated Transit Union Local #1637, AFL-CIO</u> , 368 N.L.R.B. No. 66, 2019 NLRB Lexis 509 (2019) . . . . .	12

## **II. STATUTES:**

9 U.S.C. § 1 . . . . .	4
9 U.S.C. § 9 . . . . .	3
9 U.S.C. § 10 . . . . .	3, 7
9 U.S.C. § 11 . . . . .	3-4, 7

## **III. RULES OF COURT:**

Fed.R.Civ.P. 10 . . . . .	1
---------------------------	---

